IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

DOUGLAS J. LUCKERMAN

    Plaintiff

       v.   No. 2013-cv-185-S-LDA

NARRAGANSETT INDIAN TRIBE

    Defendant

PLAINTIFF DOUGLAS J. LUCKERMAN'S MOTION TO VACATE STAY
ENTERED BY THE COURT ON AUGUST 30, 2013

    For the reasons set forth in his memorandum of law in support of this motion, Douglas J.

Luckerman moves this Court to vacate the stay entered in this case on August 30, 2013 ("Stay").

ECF No. 16. The Stay was entered in response to defendant's ("Tribe") motion to dismiss

plaintiff's complaint and to require him to exhaust his remedies in tribal court.

    It has now become clear that the Tribe does not have a properly constituted and

functioning tribal court, and that its representations to the contrary were made in bad faith. Under

these circumstances, this Court should vacate its stay and, after appropriate briefing and

argument, address the Tribe's contention that plaintiff's claims are within the exclusive

jurisdiction of the Tribe.

In addition to plaintiff's supporting memorandum of law, this motion is further supported

by the affidavits of two tribal members, Darlene Monroe and Bella Noka. Those affidavits too

are being filed with this motion.

Respectfully submitted,

DOUGLAS J. LUCKERMAN
By his attorneys,

/s/ Anthony F. Muri
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CERTIFICATE OF SERVICE

In accordance with applicable provisions of LR Gen 309 of the Local Rules of this Court,
I hereby certify that this motion to vacate stay has been filed electronically in the Court's ECF
system; the motion is available for viewing and downloading from that system; and each of the
parties was served with a copy of the motion by means of the ECF system.

/s/Anthony F. Muri
Anthony F. Muri